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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Faycal Mehrez

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EXAMINER

SILVER, DAVID

ART UNIT

PAPER NUMBER

2128

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/537,367	<b>Applicant(s)</b> MEHREZ ET AL.	
	<b>Examiner</b> DAVID SILVER	<b>Art Unit</b> 2128	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-13 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-13 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2011 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Arguments***

***Response: Drawings***

**1. Examiner Response:**

1.1 Deletion of Fig. 3 and 4 moots the previous objection. Accordingly, the objection is withdrawn.

***Response: Claim Objection***

**2. Applicants argue:**

2.1 "Further in said office action, the Examiner objected to claims 15 and 16. The objection to claim 15 is moot in view of the cancellation of the claim. Appropriate correction has been made to claim 16."

(Remarks: page 8)

**3. Examiner Response:**

3.1 The cancellation of claim 15 and the amendment of claim 16 has obviated the claim deficiencies. Accordingly, the objections have been withdrawn.

***Response: 35 U.S.C. § 112***

**4. Applicants argue:**

4.1 "Claims 9, 13, 15, and 16 were rejected under 35 U.S.C. 112, second paragraph. This rejection is believed to be moot in view of the amendments to claim 9." (Remarks: page 8)

**5. Examiner Response:**

5.1 The 35 U.S.C. § 112 rejections have been withdrawn in view of the amendments.

***Response: 35 U.S.C. § 102 / 103***

**6. Applicants argue:**

6.1 "As previously noted in Applicants' prior response, Karafillis does not teach that the step of forming the specific collection further comprises displaying a graphical interface and recording information captured from the graphical interface and the step of displaying a graphical interface comprises personalizing a prerecorded interface taking into account information from steps (a) and (b)."

(Remarks: page 9 bottom to page 10)

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6.2 "With regard to the Examiner's comments in paragraph 10.1, the Examiner has made an insufficient showing to establish inherency. Inherency requires more than mere possibilities and mere probabilities. Inherency requires that the Examiner produce extrinsic evidence which shows that the missing written material is necessarily present in Karafillis and would so be recognized by one of ordinary skill in the art. Claim 9 as" (Remarks: page 10)

7. **Examiner Response:**

7.1 Regarding subsection 2 *supra*, there is absolutely nothing probabilistic about the inherency statements made in the Previous Office Action regarding inherency. Similarly, there is nothing merely possible, but is, in fact, certain and inherent. Specifically, any display of a user interface (which is disclosed by the reference in (col: 7 line: 23-34)) is inherently personalized. This is because the file that is being loaded is specific to the task at hand, which is specific to the person using the device/method. The file being loaded causes the display of the file's data, which in indeed displaying a graphical interface. Applicants have not set-forth a specific method of personalization. Accordingly, it is being interpreted as broadly and reasonable as possible, which in this instance is anything that modifies the interface according to, by, or for, the user. Any changes in the interface (which also include the work-product itself) are considered to be personalization. **(col: 7 line: 49-56)**, and are then saved and later displayed, as taught in **(col: 7 line: 28-34)**.

7.2 Again, it is noted that the actual steps of the "personalization" are not expressly defined in the Specification, nor recited in the claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 9-13 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Karafillis (**US**

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**6,353,768).**

Karafilis discloses: 9. A method for the numerical simulation of a pressing process comprising the steps of:

(a) recording at least one meta-model formed by a supervisor consisting of a permanent collection of numerical representations of elementary constituents of pressing tools, each of the elementary constituents being defined in the form of finite elements, and comprising numerical static attributes **(col: 5 line: 55-60),**

(b) creating a macro command by a user comprising **(col: 2 line: 25-28; col: 2 line: 9-20):** recording a numerical model of deformation of a blank used in the process to be simulated **(col: 4 line: 8-13; col: 7 line: 23-30),** selecting a subset of the permanent collection, for temporary recording of elementary constituents representing a particular pressing tool corresponding to a simulation in question, the subset constituting a specific collection in the form of digitized finite elements **(col: 5 line: 55-60),** parameterizing the digitized finite elements of the specific collection, as well as the corresponding attributes according to characteristics of the process to be simulated **(col: 2 line: 15-22),**

(c) compiling the macro command in supervisor mode comprising **(col: 2 line: 25-28; col: 2 line: 9-20):** recording numerical information representing relative movements of components of the specific collection, according to operating cycles of the pressing process to be simulated **(col: 3 line: 33-36),** recalculating numerical models of deformation of the blank according to numerical information recorded in the parameterized specific collection, the numerical model of the blank, and specific movements **(col: 3 line: 33-42),** and generating a numerical or visual representation of the deformations of the blank by the application of the recalculated numerical model **(col: 7 line: 23-30),**

wherein the step of forming the specific collection further comprises displaying a graphical interface and recording information captured from the graphical interface and the step of displaying a graphical interface comprises personalizing a prerecorded interface taking into account information from steps (a) and (b) **(Fig 2 item 216/218; col: 3 line: 24-26; col: 7 line: 23-34).**

Karafilis discloses: 10. A simulation method according to claim 9, wherein the selecting step comprises

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modifying the state of the elementary constituents that are not pertinent with regard to the selected constituents **(col: 3 line: 33-42)**.

Karafillis discloses: 11. A simulation method according to claim 9, further comprising a step of loading, from an external information medium, at least part of the collection parameterizing information **(col: 2 line: 15-22)**.

Karafillis discloses: 12. A simulation method according to claim 9, further comprising a step of loading, from an external information medium, the model of the blank **(col: 2 line: 15-22)**.

Karafillis discloses: 13. A simulation method according to claim 9, further comprising a step of loading, from an external information medium, the numerical representation of the subset **(col: 2 line: 15-22)**.

Karafillis discloses: 15. A simulation method according to claim 9, wherein said personalization at least partly takes account of the information coming from the prior steps of the method **(Fig 2 item 216 and description)**.

Karafillis discloses: 16. A simulation method according to claim 9, further comprising defining several levels of use, with one of the levels of use, supervision, requiring a common generic parameterizing defining the pressing method concerned and the, basic, levels of use, basic, requiring no more than partial parameterizing, complementary and specific, benefiting from the previously performed parameterizing of the supervision level **(col: 2 line: 15-22; the different levels being the others that can, but do not modify the parameters, and the users that do modify the parameters)**.

### ***Conclusion***

All claims are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Silver whose telephone number is (571) 272-8634. The examiner can normally be reached on Monday thru Friday, 10am to 6:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on 571-272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

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Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/ David Silver /

David Silver, Primary Patent Examiner  
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